

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

JUSTIN HEWERDINE,

Plaintiff,

v.

Case No. 3:20-cv-659-MMH-JRK

ELI LILLY AND COMPANY,

Defendant.

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**O R D E R**

**THIS CAUSE** is before the Court on the Report and Recommendation (Dkt. No. 42; Report) entered by the Honorable James R. Klindt, United States Magistrate Judge, on February 2, 2021. In the Report, Judge Klindt recommends that Defendant Eli Lilly and Company's Dispositive Motion to Dismiss and Memorandum in Support (Dkt. No. 17) be granted to the extent that Plaintiff's Complaint be dismissed without prejudice. See Report at 15. To date, no objections to the Report have been filed, and the time for doing so has passed.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d

776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at \* 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

**ORDERED:**

1. The Report and Recommendation (Dkt. No. 42) is **ADOPTED** as the opinion of the Court.
2. Defendant Eli Lilly and Company's Dispositive Motion to Dismiss and Memorandum in Support (Dkt. No. 17) is **GRANTED** to the extent that Plaintiff's Complaint is **DISMISSED without prejudice**.
3. The Clerk of the Court is directed to close the file.

**DONE AND ORDERED** at Jacksonville, Florida, this 23rd day of February, 2021.

  
MARCIA MORALES HOWARD  
United States District Judge

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Copies to:

Counsel of Record